

Appl. No. 09/493,338
Amdt. dated: March 22, 2004
Amendment under 37 CFR 1.116 Expedited
Procedure, Examining Group 2665
Reply to Office Action of November 26, 2003

PATENT

REMARKS/ARGUMENTS

Claims 1, 3-13 and 22-26 have been examined. Claims 1, 23 and 25 have been amended. Claims 27-32 have been added and no claims have been canceled. Hence claims 1, 3-13, and 22-32 are now pending. Reconsideration of the subject application as amended is respectfully requested.

Claim 25 has been indicated by the Examiner as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 3-13, 22-24 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Pat. No. 6,415,329 to Gelman et al. in view of the article by Weaver entitled, "Xpress Transport Protocol Version 4" (IEEE, October 1995).

ALLOWABLE SUBJECT MATTER

Claim 25 has been rewritten in independent form to incorporate the limitations of the original base claim (claim 23) and any intervening claims (none), with one edit to correct antecedent basis.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Applicants respectfully traverse the rejection under 35 U.S.C. § 103 for at least the following reasons. As recognized by the Examiner, Gelman fails to disclose the use of two different transport layer protocols. Instead, Gelman uses a transport layer protocol (TCP) and a link layer protocol (WLP). However, the Examiner combines Gelman with Weaver, alleging that someone of ordinary skill in the art would "apply the XTP teachings of Weaver to the system of Gelman wherein an XTP protocol is implemented as the second protocol for communications via the satellite link." (11/26/03 Office Action, page 5). Applicants respectfully assert that the combination of Gelman and Weaver would not operate as assumed by the Examiner, and is thus an incorrect combination.

The Gelman system is specifically designed for use with a link layer protocol as the second protocol, and makes use of its SNAT module to help direct packet traffic to the WLP (link layer) module 60A. The link layer is located at a completely different level in the seven layer OSI model for data communications than a transport layer. In fact, Gelman teaches away from using a transport layer protocol as the second protocol. Gelman states "because the present invention uses a link layer to improve TCP performance instead of a transport layer, a single pool of buffer space for all data flowing through the WLP may be maintained." (Gelman, Col. 8, lines 24-27, emphasis added).

To further clarify these distinctions, Applicants have amended independent claim 1 to provide a communication apparatus for transmitting packetized information. The apparatus of claim 1 includes, *inter alia*, a processor operably disposed to intercept a connection with the server, establish a connection between the first and second gateways, and convert a flow of information received from the client from a first transport layer protocol to a second transport layer protocol prior to transmission between the gateways. Further, the connection established between the first and second gateways is terminated when the flow of information and the return flow of information is complete. In contrast, the cited art Gelman fails to disclose, teach, or suggest such an apparatus.

In particular, Gelman clearly provides that a WLP connection session is established between two gateways. This WLP connection session supports multiple transmissions from multiple clients and servers. Gelman provides that a "WLP session may be associated with many TCP connections simultaneously." (Col. 21, lines 35-37). Thus, the client/gateways/server connections are not in a 1:1:1 relationship. Further, the connection between two Gelman gateways is not terminated when the flow of information for a particular client and server is complete. This gateway-to-gateway connection must be maintained for the remaining clients and servers communicating between the same two gateways. Hence, for at least the above reasons, independent claim 1 is allowable over the cited art. Claims 3-8 depend from claim 1 and are allowable for at least this reason, as well as for the additional novel features contained therein.

Independent claim 9 provides a communication apparatus that includes, *inter alia*, a 1:1:1 connection relationship for the first, second and third communication connections. For at least the reasons noted above, claim 9 is allowable over the cited art. Claims 10-13 and 22 are allowable for at least depending from an allowable independent claim 9.

For at least the reasons described in conjunction with claims 1 and 9, independent claim 23 is allowable over the cited art. In particular, the communication apparatus of claim 23 includes a processor operatively disposed to terminate the transport layer connection between the first and second gateways when the bi-directional flow of information is complete. As noted in conjunction with claim 1, such a feature is neither disclosed, taught nor suggested by the cited art. Thus, claim 23 is allowable over the cited art. Claims 24 and 26 are allowable for at least depending from an allowable independent claim.

Added claims 27-32 are allowable for at least the reasons previously discussed as well as for at least the following reasons. For example, the communication apparatus of claim 27, *inter alia*, buffers at least a portion of the flow of information received over the connection from the second apparatus, and sends a repacketed flow of information to the client. The repacketed flow of information includes the buffered portion of the flow of information. Such a feature is neither disclosed, taught, nor suggested by the cited art, and claim 27 is in condition for allowance. Claims 28 and 29 depend from claim 27 and are similarly allowable.

Independent claim 30 provides a communication apparatus comprising, *inter alia*, a processor operatively disposed to transmit a first connection acknowledgment to the client after the third communication connection between the second apparatus and server is formed. Gelman fails to disclose, teach, or suggest such a feature. In particular, Gelman transmits the first connection acknowledgment immediately upon receipt of the connection attempt from the client. (Col. 16, lines 40-44). This occurs well prior to the actual connection with the end server. Thus for at least this reason, independent claim 30 is allowable over the cited art. Claims 31 and 32 depend from claim 30 and are similarly allowable.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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